

Avon Wildlife Trust

Saving Local Wildlife!

Introduction

Often, particularly in urban areas, small pieces of land are threatened by development and local people are left wondering what they can do to prevent the inevitable loss of wildlife. Large site applications will automatically require a full ecological assessment, but unfortunately small sites such as trees and small copses, ponds, old allotments, "wasteland" and hedgerows are often overlooked. However, under the *Town and Country Planning Regulations*, all applications must be accompanied by enough information to enable the planning authority to make an informed decision.



The *Natural Environment and Rural Communities Act (NERC Act) 2006* also requires public organisations including local authorities to consider biodiversity in all of their functions. This new duty brings nature conservation clearly into the set of statutory commitments for local authorities.

You can make a difference. If the Council's Planning Department is informed by a member of the public that certain types of wildlife are present, that will be enough to enable the relevant Planning Officer to request a survey. Also, tell Bristol Regional Environmental Records Centre (BRERC) about any wildlife you have seen, preferably long before the area comes up for development!

BRERC keeps the wildlife database for our area. They are approached whenever a developer requires information. Of course they can only give out what has been sent in - tell them what was seen, who saw it, where and when the observation was made. BRERC will also use this information to establish species distributions for research and for education. Their contact details are:

www.brerc.org.uk BRERC, 3rd Floor, Bristol Central Library, College Green, Bristol BS1 5TL
0117 934 9833

As a member of the public you can use BRERC's services free of charge to see what wildlife has been recorded in your vicinity.

Small sites such as ponds and small woods are given some protection under the Government's *Planning Policy Statement No.9*, where they function as stepping stones between good wildlife areas- they are essential for animals and plants to move between these sites.

Species and Habitats

Although every semi-natural "green space" will support some wildlife, the presence of certain species is particularly important when defending small sites. These plants and animals fall into two categories (with some overlap) and are ***Protected species*** and ***Biodiversity Action Plan species***.

Protected species

These species are legally protected and must be taken into account before planning permission can be granted. In 2000, Cornwall County Council was found guilty of making an unlawful decision because they approved a landfill development without establishing whether or not bats would be affected. This case referred to the Environmental Impact Assessment Regulations (only required for larger sites) but the logic of the ruling means that protected species information must be available before any application is decided.

Species are protected under:

- European law, transposed into British law as the *Habitats Regulations 1994* -these species will be referred to here as European Species (ES)
- National law, mainly *The Wildlife and Countryside Act 1981* – these species will be referred to here as (WCA).

In 2008, a judicial review found that Cheshire East Borough Council had not demonstrated that they had fully 'engaged' with and had 'considered' the requirements of the Habitats Regulations. This view implicitly supports the need for a satisfactory mitigation strategy to be agreed prior to determining an application as this is needed to demonstrate that the tests in the Regulations can be met.

Local authority reports therefore need to *reflect these requirements* via appropriate mitigation strategies or method statements for these species; where applications are refused, local authorities need to say why they had failed to meet the tests.

Where protected species are at risk from a proposed development, an applicant will be unable to implement their planning consent until they have obtained any necessary licences from the appropriate body. Failure to obtain these licences may result in criminal proceedings where a protected species is subsequently disturbed or harmed.

Biodiversity Action Plan species

Biodiversity Action Plan (BAP) species (and habitats) have come out of a process began in 1992 in Rio de Janeiro, when the UK was one of 150 countries to sign up to the *Convention on Biological Diversity*. This led to the development of BAPs for species and habitats at the national, regional and local level. *The Countryside and Rights of Way Act (2000)* made BAPs a material consideration when assessing planning applications, which means they have to be taken into account. The Avon BAP species list can be found on the Avon Biodiversity Action Plan website, www.avon-biodiversity.org.uk. The national UKBAP website is found at www.ukbap.org.uk.

Trees and Small Copses

- **Bats** (ES/WCA/BAP) use trees for feeding around, for roosting and even for breeding. A site where bats just feed (rather than roost or breed) is harder to protect unless it is part of a Bat Feeding Zone (BFZ). BFZs have been identified on Local Plan maps to show the potential feeding range (up to 5 miles) of the greater horseshoe bat, which is a particularly threatened species. There are two European protected sites for greater horseshoe bats in this area: Brockley Hall near Brockley in North Somerset and Brown's Folly, east of Bath. Whilst a feeding site would be harder to protect, roosts would have to be surveyed.



Old trees with many nooks and crannies are more likely to be favoured. Bats are particularly active at dusk and dawn and there are characteristic signs on the tree trunk that would indicate bat use.

Useful website - www.bats.org.uk (Bat Conservation Trust)

- With a very few exceptions, most **nesting birds** (WCA) are protected, but only whilst they are nesting. This means that any work must be done outside the nesting season. With recent warmer temperatures this can be as long as Jan/Feb to September, but is more usually March to September.

Useful websites – www.rspb.org.uk (Royal Society for the Protection of Birds)
www.bto.org.uk (British Trust for Ornithology)

- How old are the **trees**? Some very old specimens are known as "*Veteran trees*" (BAP) - the United Kingdom has 80% of Europe's veteran trees, with some being over 3000 years old.

Veteran trees are classified as being of interest biologically, aesthetically or culturally because of their age, location, history and many other features.

- Any member of the community can request the local authority to consider a tree for a **Tree Preservation Order** (TPO), whether the tree or woodland is on private or public land. A TPO is intended to protect trees that make a significant impact on their local surroundings. The council ecologist will carry out the assessment, considering such things as rarity, whether the tree or woodland is in a prominent position in the landscape, or has signs of historic management, such as pollarding/coppicing.
- Certain trees are particularly uncommon, such as wild service tree, black poplar (BAP) and some types of whitebeam.
- Sometimes **dormice** (ES/WCA/BAP) may use a copse if it is connected with other scrub habitat.
- **Badgers** frequently use woods for sett-building and for foraging. They are protected under their own *Badger Act 1992* (because of animal cruelty) and their presence always requires a full survey.
- Many areas have Tree Wardens. Why not get in touch with your local warden or consider becoming one yourself?
- A felling licence must be granted by the local authority (websites given below) before felling any tree, not in a garden, that contains more than 5 cubic metres of wood.

Ponds

In the 17th Century there may have been as many as 15-20 ponds per square kilometre.



Nowadays there are often less than 2 or 3 (lost to neglect as piped water was introduced, or to increased arable areas, or to pollution). **Great crested newt** (ES/WCA/BAP) populations favour clusters of larger ponds with little overshadowing. If only one pond in such a grouping is lost this may jeopardise the whole population.



Water voles (ES/WCA/BAP) may use ponds – look for telltale signs such as droppings and feeding stations – (contact us for more details). **Other amphibians** (WCA) are only protected against being sold! However **frogs and toads** are BAP species and ponds themselves are BAP habitats.

Are **bats** feeding over the water? These are most likely to be Daubenton's bat (ES).

Dragonflies – the ruddy darter dragonfly is a BAP species.

Old Allotments, "Wasteland" and other Open Spaces

Scrub is very valuable for nesting birds (WCA) – see above.



Slow-worms, lizards, adders and grass snakes (WCA) are protected, but only against killing and injury, so translocation may be recommended. They often favour open ground. Look under suitable refuges, such as corrugated iron or wooden debris, to see if they are present, and look for shed skins.

Amphibians may use the area for feeding/hibernation. Particularly think of **great crested newts** (ES/WCA/BAP) if the site is within 500 metres of a known breeding pond or cluster of ponds with great crested newt potential.

Badgers may use such places for foraging or sett-building.



Hedges

Between 1984-1993, 110,000 kilometres of hedges were lost to development or to increased land areas for arable production.

The *Hedgerow Regulations* were developed in 1997 to curb losses – if anyone wants to remove a stretch of hedge they have to apply for permission to the local authority. A hedge is more likely to be important if it is old (BAP), indicated by its having a variety of species with occasional mature trees. Also if it is associated with a ditch, old wall, byway or bridlepath, has no gaps and is part of a longer network of hedges. (Unfortunately garden hedges don't count). Hedges which mainly consist of hawthorn and blackthorn tend to be more recent.



Dormice (ES/WCA/BAP) may use hedgerows – if hazel is present this is particularly useful as dormice leave a characteristic hole in the shell; clean cut with no scratch marks.

Nesting birds (WCA) – see above.

Barns and other old buildings



These are often home to **bats** (ES/WCA/BAP), particularly in urban areas, and **barn owls** (WCA/BAP) in rural locations.

Of course the more obscure, hard to identify but none the less important species may also be present, such as rare invertebrates, fungi, lichens, mosses – unfortunately these may go unnoticed unless a specialist is brought in.

Council Meetings

Many larger planning applications will be discussed by local councillors at public meetings (called Development Control meetings) at your Council. Its really important to put your views forward at these meetings by sending in a public statement. The more letters or statements the Council receive, the more likely they are to consider alternatives or reject the application. See our website for further information about how to do this.

Local Authority Ecologists' Contacts

Bath and North East Somerset	01225 477620
Bristol	0117 922 3750/3403
North Somerset	01275 888524
South Gloucestershire	01454 863467

If necessary, contact the police- it is illegal to injure/damage many protected species and their habitats.

Avon and Somerset Constabulary: ask to speak to the Wildlife Liaison Officer. Contact **0845 4567000** or your local police station.

Planning Departments

Bath and North East Somerset	01225 394041	www.bathnes.gov.uk
Bristol	0117 922 3097	www.bristol.gov.uk
North Somerset	01934 888888	www.n-somerset.gov.uk
South Gloucestershire	01454 868004	www.southglos.gov.uk

If a Planning Application Number or address is available, the details can be checked on the relevant local authority website. Each unitary authority has a 'Public Access for Planning' portal on their website and you can use this to see whether surveys have been completed.

How can I learn more about wildlife?.....

Join the Wildlife Trust and come on our Species Identification Days. Many other local organisations also provide wildlife training such as BRERC, Cam Valley Wildlife Group and Goblin Combe Environment Centre. You can also learn a huge amount by joining wildlife groups such as Weston-super- Mare RSPB group, Bristol Naturalists' Society or Clevedon Natural History Society.

Use our website www.avonwildlifetrust.org.uk to get further information, link with other organisations or telephone 0117 917 7270. For further information on any aspect of planning, contact Siân Parry, Planning and Policy Officer on the same number or sianparry@avonwildlifetrust.org.uk.